

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

YUMIL PEREZ, :  
Plaintiff :  
v. : Case No. 3:15-cv-165-KRG-KAP  
SHAWN KEPHART :  
Defendant :  
:

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 19, 2015, ECF no. 6, recommending that the plaintiff's complaint be dismissed insofar as it sought damages and proceed (after amendment) on its claims for injunctive relief. After notice to the plaintiff that pursuant to 28 U.S.C. § 636(b)(1) he had fourteen days to file written objections to the Report and Recommendation and after no objections were filed the matter proceeded as recommended.

After pretrial proceedings and a motion for summary judgment at ECF no. 32, the Magistrate Judge filed a Report and Recommendation on May 22, 2017, ECF no. 45, recommending that the motion for summary judgment be granted.

Notice was given to the parties that pursuant to 28 U.S.C. § 636(b)(1) they had fourteen days to file written objections to the Report and Recommendation. There were no objections.

After review of the record of this matter, the recommendation of the Magistrate Judge, and noting the lack of objections thereto, the following order is entered:

AND NOW, this 29<sup>th</sup> day of June 2017, it is

ORDERED that summary judgment is entered for defendant Kephart and the complaint is dismissed as to the other defendants for failure to state a claim. The Report and Recommendation at ECF no. 6 and the Report and Recommendation at ECF no. 45 are adopted as the opinions of the Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Yumil Perez JG-2234  
S.C.I. Somerset  
1600 Walters Mill Road  
Somerset, PA 15510